

SENATE BILL No. 219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-2-1.

Synopsis: Intimidation statute. Provides that a person who communicates a threat to another person with the intent that the other person be placed in fear of retaliation for the prior act of interfering with the illegal use, possession, or distribution of a controlled substance commits intimidation. Provides that intimidation is a Class D felony if the person threatened is a court reporter.

Effective: July 1, 2002.

Nugent

January 7, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 219

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-2-1, AS AMENDED BY P.L.241-2001,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 1. (a) A person who communicates a threat to
4 another person, with the intent:

5 (1) that the other person engage in conduct against the other
6 person's will;

7 (2) that the other person be placed in fear of retaliation for a prior
8 lawful act; ~~or~~

9 (3) **that the other person be placed in fear of retaliation for a**
10 **prior act of interfering with the illegal use, possession, or**
11 **distribution of a controlled substance; or**

12 (4) of causing:

13 (A) a dwelling, a building, or another structure; or

14 (B) a vehicle;

15 to be evacuated;

16 commits intimidation, a Class A misdemeanor.

17 (b) However, the offense is a:



(1) Class D felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a judge, ~~or~~ bailiff, **or court reporter** of any court;

(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat; or

(iv) is an employee of a school corporation;

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;

(4) unlawfully withhold official action, or cause such withholding;

(5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;

(6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

(7) falsely harm the credit or business reputation of the person threatened; or

(8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

SECTION 2. [EFFECTIVE JULY 1, 2002] IC 35-45-2-1, as amended by this act, applies only to crimes committed after June 30, 2002.

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